

Summary Minutes of the
Delta Protection Commission Meeting
Thursday, May 20, 2010
City of Isleton – Community Center
208 Jackson Blvd.
Isleton, California 95641

ADMINISTRATIVE AGENDA

1. Call to Order/Flag Salute.

Vice Chair Reagan called the meeting to order at 5:35 p.m.

2. Welcome Commission Members.

Vice Chair Reagan welcomed Commission members and guests to the meeting.

Ms Fiack introduced Marc Ceccarelli as the new student intern to the Commission.

3. Roll Call.

Present: Chair Nottoli; Commissioners Albright, Brand, Cabaldon, Eggman, Ferguson, Halverson-Martin, McGowan, Pegos, Piepho, Reagan, Ruhstaller, Scriven, van Loben Sels and Vick. Absent: None

4. Public Comment. Opportunity for Members of the Public to Address the Commission on Items Not on the Agenda.

Dante Nomellini, attorney, Stockton, urged the Commission to reopen the process for hiring the Executive Director as he was not aware of the vacancy and knows people interested in applying for the position.

John Herrick, attorney, Stockton, said he agreed with Mr. Nomellini in that the process should be reopened, as timing is important and the Commission is key in light of the Delta legislation.

The following Agenda Items were discussed prior to moving into Closed Session.

7. Approve Minutes of April 22, 2010 Meeting.

Commissioner Piepho moved approval of the minutes; Commission McGowan seconded. The minutes were approved unanimously by voice vote.

8. Review 2006-2011 Strategic Plan and Provide Direction to Staff to Terminate Implementation or Amend to be Consistent With Revised Management Plan.

Linda Fiack reported that the Commission adopted its Strategic Plan in 2006 which was based on the 1995 Management Plan. In light of the revised Management Plan, the Strategic Plan would have to be amended to reflect the policies of the new Management Plan or be terminated. Ms. Fiack suggested the Strategic Plan be terminated in light of the Commission's new priorities.

Commissioner Piepho asked what would be the impact of a terminated Strategic Plan. Ms. Fiack responded that there would be no impact since the Commission now has new priorities.

Vice Chair Reagan said he felt it would be beneficial to keep some form of the Strategic Plan particularly in light of the Commission's transition, and it would be useful to familiarize the new staff to the Commission.

Commissioner Albright agreed and suggested that the Strategic Plan be repackaged into a more streamlined document to be presented at a later Commission meeting date.

Commissioner Albright moved that the new Executive Director and staff repackage the Strategic Plan to confirm staff input for the September meeting; Commissioner Piepho seconded. The motion was approved unanimously by voice vote.

11. Receive Update From the Commission Primary Zone Study Committee, Including Consultant Selection Pending Identification of a Funding Source.

Ms. Fiack reported that the Primary Zone Committee drafted and sent a letter to the Stewardship Council requesting funding to support the work of the consultant to prepare the Primary Zone Study. The request would be considered at the Council's May 27-28, 2010 meeting. Secretary Snow offered \$15,000 from the Resources Agency toward the study, and Commissioner Albright offered \$3,900.00 from BT&H to help out because of the decrease in membership contributions.

Commissioner Albright stated that the Committee must make serious progress on the study, but if the progress is not quick enough, the Commission may need to ask the Legislature for a time extension on the deliverables. He suggested that the Committee package any message to the Legislature of what has and has not been accomplished during the timeframe.

Commission McGowan stated that a definition of the Primary and Secondary Zones should be discussed in order to complete an analysis of legacy towns to determine if they should be included in the Primary Zone. Commissioner Ruhstaller responded that the Committee should stay focused on the specific areas mentioned in the legislation and later ask for an extension to broaden its analysis, if needed.

Commissioner Cabaldon said that he is in agreement that the Committee and the consultant need to address the meaning of the Primary and Secondary Zones. He also said that it should be understood that in doing so will take quite a bit of data and mapping.

Commissioner Piepho stated that the Committee also discussed its communications with the Delta Stewardship Council so that it would be able to give the Council a timeline of the Committee's progress and the impact of insufficient funding.

The next meeting of the Committee is scheduled on June 14, 2010.

12. Receive Update From the Economic Sustainability Plan Committee

Linda Fiack reported that the Committee held its second meeting and is moving to put together a Request for Qualifications for consultant development of a framework for the Sustainability

Plan, and later a Request for Proposals for consultant support to complete the Sustainability Plan. The next meeting of the Committee is scheduled for June 17, 2010.

Commissioner Halverson-Martin stated that the Stewardship Council is tasked with preparing a comprehensive plan but is putting together an interim plan in the meantime. She said although the timeframes between the interim plan and Sustainability plan are different, the Chair (who sits on the Council) should update the Council on the Committees activities and suggest to the Council what items to consider when drafting their interim plan.

CLOSED SESSION

5. A. Convene in Closed Session: Under Government Code Section 11126(a)(1), the Commission Will Meet in Closed Session Regarding Selection of a Candidate for the Executive Director Position.

Matt Campbell announced that the closed session regarding the Executive Director selection process is authorized under Bagley Keene Act and as a personnel matter it is confidential.

The Commission convened into Closed Session at 6:20 p.m.

B. Report Out of Closed Session.

Vice Chair Reagan announced that the Commission would not make an appointment to the Executive Director position and would work with Linda Fiack to restart the recruitment process. He added that the previous finalists would be encouraged to reapply.

Reconvene in Regular Session (6:30pm)

The Commission reconvened into Regular Session at 7:35 p.m.

The following Agenda Items were discussed after convening out of Closed Session

6. Receive Informational Presentation from the Commission's Consulting Team, Eisenstein Consulting, on the National Heritage Area Process Underway Pursuant to Provisions of SB X7-1, Particularly the Outreach Strategy.

Dr. Bill Eisenstein reported on the process for the NHA feasibility study. He said there are eight steps in the NHA process and the proposed Delta NHA is modeled after those steps. In addition, criteria for achieving an NHA include a feasibility study; public involvement; demonstrated public support; and commitment from governments, industry, nonprofits and local citizenry. Dr. Eisenstein further said that the focus of this feasibility study would be on public involvement, interviews of stakeholders and two public meetings—all of which would determine which area(s) should be part of the NHA, and what benefits Delta residents would like to derive from an NHA.

Commissioner Halverson-Martin asked if the Economic Sustainability Committee had looked at the economic benefits of an NHA. Commissioner Albright responded the Committee had not, but would start looking at it as the process progresses.

Commissioner van Loben Sels commented that a Sacramento Bee article on the Delta NHA was misleading. He suggested that Dr. Eisenstein relay information to the Bee to clear up what an

NHA is about, its benefits, and how it is intended to support working landscapes in contrast to National Parks designations.

Commissioner Ferguson asked for examples of existing NHA's. Alex Westhoff responded that there are currently 49 NHA's in the United States; however, most of them are located in the East. Ms. Fiack noted there is information on the Commission's website about other NHA's.

Bill Geyer, Landowner Resource Coalition, said that his organization sponsored relative legislation is 2006.

9. Receive Report From Executive Committee and Act on Recommendations as Determined Appropriate Pursuant to Commission Member Discussion:

A. Delta Stewardship Council

Chair Nottoli reported that the Delta Stewardship Council is moving quickly. He also reported that the first meeting of the Delta Conservancy would be scheduled June 9, 2010.

Commissioner Cabaldon stated that it was important that the Commission should speak up in the process as a program agency.

B. Legislation Update

Vice Chair Reagan reported that there were 11 bills of interest to the Commission. He noted particular attention should be paid to AB594, AB1788, AB1797, AB1886, AB2776, SB808, SB991, SB1303 and AB2598 and asked that staff review those bills and make comments as necessary.

C. Budget

Chair Nottoli reported that the Commission sent letters to legislators and the Delta Stewardship Council asking for funding support in light of the Commission's new priorities, particularly the Primary Zone Study and the Economic Sustainability Plan. He also suggested that the Commission establish a finance committee.

D. Executive Director Report

Ms. Fiack directed attention to the written report and reported that the Commission applied for several grants and those grant funds are starting to come in.

10. Receive Report and Recommendations from Commissioners Pegos and Reagan, Pursuant to Commission Direction, Regarding the Process for Establishing an Advisory Committee Pursuant to Provisions of SB X7-1 and Take Action as Deemed Appropriate to Initiate Committee Formation.

Commissioner Pegos gave an overview of the proposed Commission Advisory Committee charter that he and Vice Chair Reagan developed. The charter outlined duties, membership, nomination process, and the general overall structure of the Committee.

Commissioner Halverson-Martin stated that the proposal should define the decision making process as important in that it will serve as a voice for the Delta interests. She suggested that the

duties be shortened, broader, and more general as to not leave anyone out. She also suggested that the Commission look toward existing groups that have advisory committees.

Commissioner Cabaldon said that he felt the workload would be too heavy for the amount of staff the Commission has, the agenda flow was not clear, and he had an appointment issue.

Commissioner Pegos stated that the idea of the charter is to have the Advisory Committee report to the Commission in order to discourage fringe groups from coming directly to the Commission.

Commissioner Piepho stated that she supported the previous comments. She also said that stakeholders would identify themselves and the membership was way too high which would allow the committee to lose focus. She also stated she wanted the Commission and five Delta counties added to the membership.

Commissioner Brand also noted that the State Lands Commission should be added.

Vice Chair Reagan commented that the Commission should create a small advisory committee that is less inclusive and can grow organically. Commissioner Cabaldon responded that a generic technical committee is not the way to go as the committee should be small but the feds and locals should be encouraged to be at the table.

Chair Nottoli asked Ms. Fiack to assist Vice Chair Reagan and Pegos to refine the proposed process.

13. Receive Informational Update From the Delta Counties Coalition.

Commissioner McGowan reported that the Coalition has been focusing on lobbying efforts to help with enhanced budgeting for the Commission in addition to engaging in advocacy for money for spending for the BDCP process. He also noted the retention of a new coordinator for the Coalition.

Commissioner Piepho reported that the Coalition supported a letter to Senator Dianne Feinstein regarding the NHA and has other letters going out in support of the Commission's funding in order to preserve the Commission's role.

14. Commission and Staff Comments and Announcements.

Ms. Fiack asked that the Commission think about adopting monthly meetings for the remainder of the year. She added that an item would be on the next meeting agenda for consideration.

15. ADJOURN.

The meeting was adjourned at 8:45 p.m.